

## By Authority



The attention of the public is called to Section 7A and Section 7B Chapter 29 of the Session Laws of 1884, which are as follows:

SECTION 7A.—It shall be the duty of every person to report immediately to the nearest Executive Inspectors or Inspecting Officer, any animal on or about his own premises or the premises of another, which he shall have reason to believe to be affected with any infectious or contagious disease or distemper, under a penalty of not less than five nor more than one hundred dollars for each offense.

SECTION 7B.—Said Inspecting Officers shall have the power to enter upon any premises where they have reason to believe there is any animal affected with any infectious or contagious disease or distemper of a nature dangerous to the live stock of the country, and to cause any such animal to be placed in quarantine for such time as said officer may deem necessary; and shall have the power, with the approval of the majority of said Board, to cause any such animal to be destroyed.

W. T. MONSARRAT,  
Executive Inspector.

J. H. BROWN,  
PAUL R. ISENBERG, JR.,  
Inspectors.  
Honolulu, Aug. 21, 1890. 45-1337

## Regulation No. 1.

In accordance with an Act "Relating to the Suppression of Plant Diseases, Blights and Insect Pests," approved on the 16th day of July, 1890, the shipping, sending or taking of any plants, slips or cuttings from the Island of Oahu to any of the other Islands of this Kingdom is hereby prohibited until further notice.

Exempt from this regulation are plants from foreign countries landed at the port of Honolulu in transit, provided the same are to the time of reshipment they have not left the wharf of Honolulu and have been duly examined.

A. JAEGER,  
C. P. IAUKEA,  
E. W. JORDAN,  
Commissioners of Agriculture.  
Approved August 5, 1890.  
C. N. STEVENSON,  
Minister of the Interior. 31

## EVENTS OF TO-DAY.

LEGISLATIVE ASSEMBLY.—At 10 A. M.  
1. O. O. F.—Polynesian Encampment, No. 1 7:30 P. M.  
A. L. O. F.—Oceanic Council, No. 777, at 7:30 P. M.  
BAND CONCERT.—At Hawaiian Hotel at 7:30 P. M.  
HONOLULU ARION.—Annual meeting at 7:30 P. M.  
INDUSTRIAL HOME.—Reception at 7:30 P. M.

## THE DAILY

## Pacific Commercial Advertiser.

Be just and fear not:  
Let all the ends thou art at be  
Thy Country's, thy God's, and Truth's.

FRIDAY, : : SEPT. 5, 1890.

REP. KANEALI made a very fruitful suggestion yesterday in the House when he intimated that if the Finance Committee followed the dictates of prudence they would refuse Mr. Thurston any opportunity to answer the charges made against him in their report. He thought it not unlikely that the result of a fair inquiry would be an adoption by the House of Mr. Thurston's views, and a rejection of those of the Finance Committee.

## CORRESPONDENCE.

We do not hold ourselves responsible for the statements made, or opinions expressed by our correspondents.

The Bowler Claims.—Mr. Thurston Explains Why He Declined Payment.

MR. EDITOR: I see by the papers that Mr. J. F. Bowler has petitioned the Legislature to pay him

1. For building foundations...\$ 2,047 00
2. For repairing Palace gates. 7,000 00
3. For damages for failure to carry out contract to return certain South Sea Islanders..... 39,275 00

Making a total of.....\$48,322 00

The basis of the claims is that full value was rendered to the Government for these sums; that the orders to perform the services claimed were legally given by persons legally authorized to bind the Government, and that the "late Minister of the Interior" had illegally and unjustly refused to pay the claims.

The claims were very properly referred to a committee to investigate. I do not wish to charge the committee with wilful misrepresentation or suppression of evidence; on the contrary, I wish to expressly disclaim any such imputation, as their failure to correctly report to the House may well have arisen from a lack of knowledge of the facts, and the lack of time to spare from their duties in the House; but from whatever cause it is no less true that material facts concerning each and every claim are either misstated, misrepresented, or wholly lacking in the committee's report.

As the report of the committee is an imputation that I in my official capacity unfairly and unjustly refused the payment of legal claims, and the facts stated by the committee appear on their face to be in a measure sustenance of their conclusions, I in justice to myself and in defence of the taxpayers of this

country take this method of correcting and supplementing the facts stated by the committee.

## THE PALACE ELECTRIC LIGHT FOUNDATION.

A CLAIM FOR \$1,012, AND INTEREST.

The statements made by the committee concerning this item are:

1. That this work was ordered to be done by L. Aholo, Minister of Interior.
2. That the charge was a reasonable one.
3. That the bill was presented to L. A. Thurston, Minister of the Interior, who refused to approve it.
4. That such refusal was on the ground that there was no appropriation from which to pay it, and that the Palace did not belong to the Government, but was the private property of His Majesty.
5. That the Palace is Government property, which the committee gravely proceeds to prove by citing official evidence.
6. That there was an appropriation from which the appropriation could have been paid, viz.: "Lighting City of Honolulu with electric light."
7. That as proof positive that such appropriation was available for that purpose, L. A. Thurston had approved a bill and paid for the cement used in this same job.

On this statement they recommend payment of the whole claim. I desire to state:

First.—That the fourth allegation made by the committee, that I refused to pay the claim on the ground that "the Palace did not belong to the Government, but was the private property of His Majesty," is a bald absurdity, no more so than the allegation that the committee has expended in building it, a Hawaiian politician to swallow without investigation or inquiry, but the committee's digestion was equal to it. As a matter of fact this is a totally unfounded statement. No such reason was given or could have been given by any sane man.

Second.—That the committee has failed to report to the Legislature the following material facts:

(1.) That the electric light plant for which this foundation was made, including the dynamo and appurtenances, the boiler and the engine, was at the time the foundations were built, and is now, the private property of the King. He bought it on his own account; paid for it with his own money, with the exception of the boiler, which his trustees were paying for in installments as funds are available; has derived a private revenue from it by renting out lights to the Government, and has negotiated to sell it to the Government. There has never been any claim or pretense that the entire plant was not the King's private property.

(2.) The committee have failed to inform the Legislature that the reason why Mr. Bowler's claim was refused was because it was for constructing a foundation for the King's private property, in which the Government had no financial interest and to which it had no claim.

(3.) The committee further failed to report that another reason why they refused to pay the claim from the appropriation for "Lighting the City of Honolulu with Electric Lights," was that in addition to the fact of the plant being the private property of the King, the light of the Palace was not the object intended by the Legislature when they made that appropriation. They intended it for the lighting of the streets of the city, and the lighting of the Palace was never properly chargeable to this appropriation than would the laying out of walks and drives on the King's private land or in the Palace yard be properly chargeable to the appropriation for "Streets of Honolulu."

Both of the above reasons were stated by me in writing to Mr. Bowler, which letter, or the letterpress copy thereof in the Interior Department, were available for the information of the committee.

(4.) The committee have further failed to report to the Legislature that Mr. Bowler brought suit upon this claim in the Supreme Court, and that report, and the decision produced by the plaintiff, the Court instructed the jury that the law of the case was such that they could not do otherwise than find a verdict in favor of the Government, which they accordingly did.

(5.) The committee have further failed to inform the Legislature that this same claim was presented to the Legislature of 1888; that it was then thoroughly investigated and rejected, on the ground that it was not work done for the public and that therefore the public moneys should not pay for it.

Third.—The committee has, unintentionally, no doubt, misrepresented to the Legislature that the work was properly payable from the Street Lighting appropriation, and that I had so considered it, because I paid for the cement used in this work out of that appropriation. The fact is that all of this work was done and material purchased before I came into office; for some time after I came into office I was engaged in the preparation for the election and Legislature which met soon after; that I knew nothing of the King's having a private electric plant; that, as a matter of course I was obliged to at first depend on the several heads of bureau for the correctness of bills, and when after other bills one for cement furnished to the Government was presented with the certificate of the late Superintendent of Public Works that it was correct, a draft was signed by me in payment thereof. When the question of Mr. Bowler's claim came up I had ascertained the facts and refused to pay it, as I should have done the cement bill had I then known the facts.

The committee have then made a report to the Legislature concerning this claim, in which they have totally misstated one material fact, have misrepresented one important item of evidence, and have totally failed to report five facts which are vital to the whole case, without which there can be no correct understanding of it.

I therefore claim that upon the facts, and the whole facts, the people should not be called upon to pay this bill out of their hard earned taxes; that I acted justly in refusing this claim, and would have been delinquent in my duty had I done otherwise.

Mr. Bowler has had a fair trial before a Court which has not shown any partiality toward the late administration, and a verdict was fairly rendered on the law and the evidence in favor of the Treasury.

The reasons stated by the Court at the trial were not technical in their nature; but were the plain law and common sense reasons, that work done for the King's private property, for his own purposes, could not be charged to a public appropriation; and that the Treasury could not be made liable for work done on private property; whether owned by the King or any other person, simply because a Minister, without authority of law, chose to order it done.

What is law and common sense in the Supreme Court is law and common sense in the Legislature.

LORRIN A. THURSTON.

(The remainder of this communication is held over for want of space and will be continued in due course.)

## THE LEGISLATIVE ASSEMBLY.

Seventy-first Day.

THURSDAY, Sept. 4.

The House met at 10 A. M. Prayer by Chaplain. Minutes of the preceding day read and approved.

Rep. Brown, under suspension of the rules, presents a petition as follows:

The undersigned respectfully represents to the Honorable Legislature that in the report of the Finance Committee, presented to the House, consisting of 70 pages, 46 pages are taken up with criticism of the Interior Department and the various bureaus connected therewith, and charges of maladministration against the late Minister of the Interior and several heads of bureaus, more particularly the Superintendent of Public Works.

That said committee did not give the said Superintendent any hearing or opportunity to explain his action, nor did they, with one exception, ask him any questions concerning matters in his bureau, nor did they at any time inform him of the charges made against him, or give him an opportunity to defend himself.

The said committee did not at any time inform your petitioner of any charges against him, nor ask from him any explanation of any item or transaction in the Interior Department, nor give him any opportunity to defend himself or explain his action.

That your petitioner hereby charges that many of the statements made by said committee are totally incorrect.

Your petitioner hereby claims that it is not according to Legislative precedent or practice in Hawaii or any other civilized country to condemn a man unheard or to pass judgment upon one accused without first giving opportunity for defense.

That as your petitioner has been accused and condemned by said committee without hearing and without opportunity for defense, he hereby prays that said report of the Finance Committee may be referred to an impartial committee to investigate the truth of the charges made by said Finance Committee, and before whom your petitioner may have an opportunity of being heard and defending himself and his official actions.

L. A. THURSTON.

Noble Baldwin moved to lay the petition on the table to be considered with the report of the Finance Committee.

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House. It may be said that an investigation will take a great deal of time, but we ought not to grudge the time. I therefore favor the motion to consider the petition with the report.

Rep. R. W. Wilcox said if you see four or five men going along the street with hats on and you say, "There go some baldheaded men," one will immediately take hat off, and he will be sure to be the baldheaded man. I think in the last "Call" the Ministry had no better sense than to charge Vice committee with references to the treatment of Mr. Gibson.

Rep. Wilcox continuing was interrupted by Rep. Kalua, who moved to confine his remarks to the question before the House. For some time nothing could be heard but the loud voices of the two speakers and the continuous rapping of the President's hammer. When order was restored, the Interpreter expressed his charges Vice committee with references to the treatment of Mr. Gibson.

The President ruled this out of order. Rep. Bush protesting and saying that the Ministry had not had the manliness to give Mr. Gibson fair play.

Rep. Wilcox, continuing, said he admired people who stick by their friends, as Rep. Kalua had by the late Minister. He hoped he would receive a decoration for it. He would favor, to put an end to the debate, Noble Baldwin's motion.

Noble Widemann had no objection to considering the petition. What he objected to was the manner in which it was introduced. It charges Vice committee with misrepresentation. He wants, he says, an impartial committee. What he wants is a partial committee. A committee which will look at things through his spectacles, and not through the eyes of the people. I am afraid that there is too much in that for him to white wash. There is too much, you know. All that is lacking is a request that he make the Ministry responsible for it. I have no particular objection to considering the petition. (The President—Do you withdraw your motion?) That is what I am coming to. Yes, I withdraw it.

Rep. Nawahi favored considering the petition. He would like to have the Minister present, as there were a good many things he would like explained. Rep. Kahookano admitted, however, that the petitioner had a right to petition, but he asked something which the House could not possibly grant, viz., the appointment of another committee.

Noble Muller moved to refer the duties of the Finance Committee. It says nothing of conferring with heads of departments. He hoped that the petitioner would be heard. But he objected to the request for another and "impartial" committee. This was a repetition of the impudence of the Finance Committee.

Noble McCarthy—As a member of the Finance Committee and on behalf of the Finance Committee, I am glad to see the report in the report which could not be proved by the books of the departments. There was a book called the Detail Book, which shows every item. It is commonly said that books are kept in the Interior Department, and go right on without needing any explanation. I am happy to say that the books of the Interior Department were kept in that way. We have simply given the Minister a hearing, but I don't see what good it will do. I went into that committee and did my duty faithfully and impartially, and there are no statements in that report which are untrue.

Noble Macfarlane favored consideration of the petition. All the facts stated in that report could be proved. He could corroborate what was said by Noble McCarthy as to the books of the Interior Department. The examination had been made impartially, with no intention to misstate anything. The committee was anxious to have the light thrown on the matter, and he was glad to see the report. He would like to see the books of the Interior Department, and he would like to see the Minister's report. He would like to see the Minister's report, and he would like to see the Minister's report.

Noble McCarthy for the select committee on the petition of R. More. Find that the work was ordered by the Superintendent of Public Works and confirmed by the Minister of the Interior, and that there was an appropriation which was exhausted. The Supreme Court has thrown the claim out on the above ground. The committee recommend that as the work was done in good faith the House in its equity provide for the payment of the claim.

Laid on the table with the Appropriation Bill.

Minister Spencer presented a copy of the Government lease to the Oahu R. R. Co.

Noble Muller moved it be referred to a select committee.

Rep. Brown introduced a resolution that the consideration of the Finance Committee report be deferred ten days to enable L. A. Thurston to present a written answer to the charges of the committee, and that he be allowed for this purpose access to the books of the Interior Department.

Rep. Bush considered the petition this morning an impeachment of the conduct of the committee and the President. He was glad this resolution was brought in because the petition was one which charged the whole House with lack of honesty and good intention.

Noble Muller moved the resolution be adopted. Every member of the Finance Committee wished Mr. Thurston to have an opportunity to answer its statements but in a proper way.

Rep. Brown asked permission to withdraw the petition.

Rep. Kahookano said this could not be done by motion but only by resolution. He would move to strike out that part of the resolution granting Mr. Thurston access to the books. This would be establishing a very dangerous precedent.

Rep. Kahookano moved to indefinitely postpone the resolution.

Rep. Nawahi opposed the resolution. He would support the motion to indefinitely postpone it.

Rep. R. Wilcox was opposed to the resolution. It was only brought in to block consideration of the report.

Rep. Kaneali was not in favor of the resolution. The House must be careful. If we give Mr. Thurston a chance he may make such a showing that we may go back on our committee. We must protect our committee. If the hon. Noble Muller has any regard for his safety he had better withdraw his resolution, or the House would reject the committee's version and adopt Mr. Thurston's.

Minister Brown—I cannot say that I like the resolution altogether, but this is a matter between Mr. Thurston and the Finance Committee. The committee are all honorable gentlemen and I presume they will be glad to give him every opportunity to have access to the books, etc.

Rep. Brown accepted the amendment of the member from Molokai. He also wished to withdraw the petition but the House would not let him.

Noble Muller was not afraid of anything which Mr. Thurston might say, as every statement of the committee could be substantiated, but as it did not seem to be the pleasure of the House to pass this resolution he would withdraw his motion to adopt it.

Rep. Kalua moved to lay the resolution on the table.

Noble Macfarlane said as a member of the committee that it had no reason to shrink any interview with Mr. Thurston, but he considered the passage of the petition in the morning as not at all creditable. Unless the introducer of the resolution would move to have this morning's vote reconsidered he would oppose the passage of this resolution. If we propose that, Mr. Thurston and all his friends shall have every opportunity to relate that report. Some members have stated to me that they did not fully understand the vote this morning. It is no part of the duty of the Finance Committee to seek out a former Minister and catechize him as to his motives. The committee have made reference to

leave from what I am told that explanation can be made. A great portion of report deals with the Interior Department. Without making any reflections on the committee, I think they would appear in a better light before the country if they would allow some sort of a hearing.

Noble Burchard wished to say a word on what Noble Baldwin has said as to my stand. Now a dozen members of this House can testify that when I was appointed I refused to vote against the ministers unless I should see cause for it. I had not been working long on the Finance Committee before I did see abundant cause.

Noble Widemann moved that the President get down from his place, and the late Minister of the Interior take the place and lay down the law to this House.

Rep. Kalua said he had favored laying on table with the report of the Finance Committee. I do not think the composition of the Finance Committee has anything to do with the subject. I have the utmost confidence in that committee. I move the previous question. Carried.

The petition was not laid on the table, the vote being a tie, and the president voting in the negative.

Rep. Kapahaele made another motion, which was ruled out of order.

The President stated in reply to the remarks of Noble Baldwin, which charges him with partiality in appointing the Finance Committee, that it was not easy to appoint a committee. I had a perfect right to put a majority of the National Party on the committee. I knew nothing of Noble Burchard or the member from Lahaina (Rep. White), but I took the Attorney's statement that they belonged to the Reform Party. I am very sorry they have gone back on me.

The House took a recess at 12:20 until 1:30.

## Afternoon Session.

The House re-assembled at 1:30.

Noble McCarthy stated that he had received as chairman of the Military Committee a pamphlet entitled "The Third Warning Voice" and that he had distributed it to the House.

Minister Peterson reported for the committee on the bill relating to the number of the Justices of the Supreme Court recommending that it be indefinitely postponed. The committee further reported that they had considered the bill of the Judiciary Commission of 1886, and that while they do not deny that the present judiciary system has defects, yet they do not think that a task of such magnitude as its reorganization would be an advantage to the country. They therefore recommend the report of the commission to the Legislature of 1892. The committee however offer a bill providing that no justice shall sit in banco in a case in which he has presided in the Court below.

The bill was read and the report was adopted.

Noble McCarthy for the select committee on the petition of R. More. Find that the work was ordered by the Superintendent of Public Works and confirmed by the Minister of the Interior, and that there was an appropriation which was exhausted. The Supreme Court has thrown the claim out on the above ground. The committee recommend that as the work was done in good faith the House in its equity provide for the payment of the claim.

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